

**Appln No. 10/724,162**  
**Amdt date 04/26/2008**  
**Reply to Office action of 2/19/2008**

interface standard IS-95 states [1] that the base station ‘may’ enable forward link power control for traffic channels. This power control is an option that may or may not be employed. When this power control is enabled, the mobile station periodically reports frame error rate statistics to the base station. The base station may use the reported frame error rate statistics to adjust the transmit power of the forward traffic channel. In what follows, an approach is described for controlling all forward link channel powers through the effective gains implemented for individual channels in the base station equipment.

Thus, according to the reference “CDMA Systems Engineering Handbook,” CDMA systems may in fact enable forward link power control for traffic channels. Additionally, the Applicant would like to direct the Examiner’s attention to the EIA/TIA-95-B specification. On Page 7-93, section 7.6.4.1.1 entitled “Forward Traffic Channel Power Control,” line 18-19, attached hereto as Exhibit B, the specification tells us the following:

The base station may use the reported frame error rate statistics to adjust the transmit power of the Forward Traffic Channel.

In view of the above cited references it is respectfully submitted that power regulation of each of the forward channels in CDMA may be controlled. It is also respectfully submitted that the structure and operation of the elements to deliver individual power levels to each subscriber unit is also known to those of skill in the art.

The Office action rejected claims 1-5 and 8-14 under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement. Specifically, the Office action rejected claims 1, 10, and 14 because the Examiner alleges that the specification does provide sufficient details to

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enable a person skilled in the art to make and use the invention. According to the reference “CDMA Systems Engineering Handbook,” by Jhong Sam Lee and Leonard E. Miller cited above and the reference EIA/TIA-95-B specification CDMA, also cited above, CDMA systems have the option of regulating the power for each forward channel. The structure and operation of the elements to deliver the individual power level for each forward channel is also known to those of skill in the art. Applicant now believes that claims 1, 10, and 14 are patentable. The Office action also rejected claims 2-5, 8, 9 and 11-13 as the claims depending on the rejected claims. Applicant now believes that claims 2-5, 8, 9 and 11-13 are patentable.

The Office action rejected claims 1-5 and 8-14 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Office action rejected claim 1 because it had insufficient antecedent basis for the limitation “the specific power”. Claim 1 has been amended by replacing “the specific power” with “a specific power”.

The Office action rejected claims 1, 10, and 14 for insufficient antecedent basis for the limitation “the total power”. Claims 1, 10, and 14 have been amended by replacing “the total power” with “total power”.

The Office action rejected claims 1, 10, and 14 for insufficient antecedent basis for the limitation “the sum”. Claims 1, 10, and 14 have been amended by replacing “the sum” with “sum”.

The Office action rejected claims 10 and 14 because it is not understood if an apparatus or a power estimator includes a processor. Claim 10 has been amended by removing “power estimator, including a”. Claim 14 has been amended by removing “a power estimator” and “includes a processor” and adding “a processor” and “is”.

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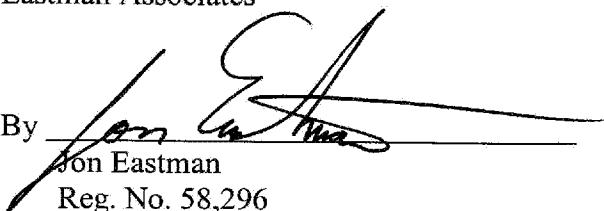
The Office action rejected claims 1, 10, and 14 because the goal of the calculation step and the mathematical process, required to achieve the goal are not understood. The Applicant has amended claims 1, 10, and 14 by removing “where the total power transmitted by the BTS during each of a plurality of said observation windows is equal to the sum of products of the average rate multiplier by the estimated specific power for each of the subscribers” and added dependent claims 15, 16, and 17. The Applicant now believes that claims 1, 10, 14 and 15-17 are patentable.

The Office action rejected claims 2-5, 8, 9, and 11-13 as being claims that depend on rejected claims. Applicant now believes that claims 2-5, 8, 9, and 11-13 are patentable.

Allowance of the Application is earnestly requested.

The Commissioner is hereby authorized to charge any fees which may be required by this paper to Deposit Account No. 50-4270. Please show our docket number with any Deposit Account transaction.

Respectfully submitted,  
Eastman Associates

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